

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
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FISCAL IMPACT STATEMENT

LS 7294

BILL NUMBER: HB 1196

NOTE PREPARED: Jan 19, 2004

BILL AMENDED:

SUBJECT: Jury Service.

FIRST AUTHOR: Rep. Mays

BILL STATUS: As Introduced

FIRST SPONSOR:

FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

- A. It provides that a person who appears for jury duty but is not selected has completed the person's jury duty at the end of the first day.
- B. It removes the professional exemption from jury duty for a member of the Indianapolis Board of School Commissioners.
- C. It provides that a person is entitled to one automatic postponement of jury duty.
- D. It provides exemptions from jury duty for health reasons and for certain persons with caregiver responsibilities.
- E. It excuses a person from jury duty if the person has served within the preceding year.
- F. It expands the source of names for jury lists to include a person who obtains a drivers license or identification card from the BMV.
- G. It creates the lengthy trial account to be funded by an \$8 filing and continuance fee in most civil cases.
- H. It provides that the account is administered by the Division of State Court Administration.
- I. It provides that a person who serves in a trial lasting between 4 and 10 days is entitled to \$100 per day for the fourth through tenth court days, and a person who serves on a jury for more than 10 days is entitled to \$300 per day after the tenth court day.
- J. It prohibits an employer from requiring an employee to use vacation or other leave for jury duty.
- K. It makes conforming amendments.

Effective Date: July 1, 2004; July 1, 2005.

Explanation of State Expenditures: *Added Responsibilities for the Division of State Court Administration—* Staff in the Division would administer the Lengthy Trial Account based on criteria identified in this bill. Depending on the Division's current workload and the number of jury members who qualify for compensation from this fund, the Division may need more staff to administer this account. [Note: This portion of the fiscal note will be updated when more information is available.]

Potential Payments from the Lengthy Trial Fund – The number of cases in which members of a jury trial would be eligible for compensation is not able to be estimated. Some members of the jury would not qualify for this compensation if the employer is paying the juror’s wages during the trial and the wages paid to the juror are more than \$100 per day.

As background, the following table presents a five-year history of cases decided by jury in Indiana’s courts.

Cases Disposed by Jury Trial By Calendar Year					
	1998	1999	2000	2001	2002
Criminal	1,828	1,552	1,439	1,394	1,297
Juvenile	2	4	1	3	3
Civil	575	604	588	638	715
Total Cases	2,405	2,160	2,028	2,035	2,015

No published information is available in Indiana concerning the number of days that juries take to decide cases, so the potential amount of payments cannot be estimated.

Explanation of State Revenues: Provision G and H: The bill would create the Lengthy Trial Account within the state General Fund to be administered by the Division of State Court Administration. The fund would compensate a juror by paying \$100 a day for a trial days 4 through 10, and \$300 for any day over 10 days. (Under current law, a juror is paid \$15 for attendance if a jury is not impaneled and \$40 a day for each day the jury is impaneled.) The amount of compensation would be reduced by wages paid by a juror’s employer. The fund would receive revenue from a Lengthy Trial Fee imposed on qualifying civil actions, from a plaintiff when a complaint is filed or amended, and from a party to an action filing a continuance or time extension. The court clerk would collect and transfer the fee to the Auditor of the State semiannually.

The following table presents an estimate of the potential number of cases for which litigants might pay this proposed fee.

Estimating the Potential Cases in Which Litigants Would Pay Lengthy Trial Fee					
	Cases Filed		Percent Paying		Potential Cases Where Litigants Pay Fee
Plenary	36,358	x	50%	=	18,179
Mortgage Foreclosure	29,731	x	100%	=	29,731
Civil Collections	51,760	x	50%	=	25,880
Tort	14,596	x	50%	=	7,298
Mental Health	6,109	x	50%	=	3,055
Protective Orders	26,387	x	50%	=	13,194
Miscellaneous	10,122	x	50%	=	5,061
Totals	175,063				102,398

Based on these estimates, the following table indicates the potential revenue that could be deposited into the Lengthy Trial Account.

Potential Revenue From Lengthy Trial Fee				
Potential Cases		Fee		Potential Revenue
102,398	x	\$8	=	\$819,184

The bill would allow for replacement compensation for jurors in lengthy trials with a maximum of \$300 per day.

Explanation of Local Expenditures: Many counties already supplement their jury lists with persons who obtained a drivers license or identification card from the BMV. This expansion should have minimal expense for the offices of the circuit court clerk.

Lengthy Trial Account – Under current law, counties are responsible for compensating members of the jury for the number of days that the members serve on a jury. As proposed, for jury trials lasting beyond three days, this bill would shift the payment of jurors from the county general fund to the Lengthy Trial Account. The amount of money this would save counties is not able to be calculated.

Explanation of Local Revenues:

State Agencies Affected: Division of State Court Administration.

Local Agencies Affected: Trial courts, local law enforcement agencies, clerks of the circuit court.

Information Sources: Executive Summaries of *Indiana Judicial Reports*, 1998 through 2002, Lynn Spevak, Clerk of the LaPorte Circuit Court, President of the Indiana Association of County Clerks.

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